



# CITY OF ATWATER

## SPECIAL MEETING CITY COUNCIL

### ACTION MINUTES

April 3, 2018

#### CALL TO ORDER:

*The City Council of the City of Atwater met in Special Session this date at 1:30 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.*

#### PLEDGE OF ALLEGIANCE:

*The pledge of allegiance was led by Mayor Price.*

#### ROLL CALL:

**Present:** City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price

**Absent:** None

**Staff Present:** Interim City Attorney White, CAL FIRE Battalion Chief Wight, CAL FIRE Battalion Chief Suarez, Deputy City Manager Waterman, Deputy City Manager/Finance Director Deol, Human Resources Director Del Real, Interim Police Chief Echevarria, Interim Public Works Director Shaw, Recreation Supervisor Rahn, Chief Building Official Pereida, City Treasurer Heller, City Clerk Hyler III, Recording Secretary Bengtson-Jennings

#### PUBLIC COMMENT:

*Notice to the public was read.*

*No one came forward to speak at this time.*

CLOSED SESSION:

***ROBERT KELLAS, Atwater, announced his support for Lori Waterman as Interim City Manager.***

***LINDA DASH, Atwater, stated her desire for the negativity to stop and for the City Council to pull together and work together.***

***Police Sergeant Snyder, as a concerned employee, asked the City Council to put their differences aside and to invite Mr. de Werk to fulfill his commitment to serve as Interim City Manager through the end of June.***

***Police Sergeant Smothers pledged his support for Mr. de Werk, stating he has helped the Police Department progress and has provided direction in regard to the budget crisis.***

***Acting Police Sergeant Sarginson, and APOA President, spoke in favor of retaining Mr. de Werk as Interim City Manager and asked the City Council to “please don’t push Art out.”***

***Police Officer Robinson stated that Mr. de Werk brought truth and transparency to the City, and he asked the City Council to do what is best, not what is popular.***

***No one else came forward to speak.***

***Mayor Price adjourned the meeting to Conference Room A for Closed Session at 1:53 PM. Closed Session was called to order at 2:01 PM.***

Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(2)(d). Number of cases: (1)

Pursuant to Government Code Section 54957(b)(1), Public Employee Discipline/Dismissal/Release: Title: Interim City Manager

Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment: Title: Interim City Manager

***Closed Session adjourned at 3:04 PM.***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***Interim City Attorney White reported that in regard to Public Employee Discipline/Dismissal/Release concerning the Interim City Manager, Mayor Pro Tem Vineyard moved to approve entering into a Settlement Agreement and Release of All Claims with Mr. de Werk and to authorize and direct the Mayor to sign the Agreement on behalf of the City. The motion was seconded by Mayor***

**Price and the vote was: Ayes: Creighton, Vineyard, Price; Noes: Vierra, Raymond; Absent: None. The motion passed.**

**Furthermore, Interim City Attorney White reported that Mayor Pro Tem Vineyard moved to accept the voluntary resignation of Mr. de Werk. The motion was seconded by Mayor Price and the vote was: Ayes: Creighton, Vineyard, Price; Noes: Vierra, Raymond; Absent: None. The motion passed.**

**Interim City Attorney White read the following statement: "Art de Werk has tendered his voluntary resignation. We appreciate the good progress he made on several critical issues facing the City during his tenure and wish him luck in future endeavors."**

**Interim City Attorney White reported that in regard to all other items on the Closed Session agenda, no action was taken and staff was given direction. The Closed Session agenda was completed.**

OPEN SESSION:

Approving an Employment Agreement for Interim City Manager Services


**Interim City Attorney White provided an overview of the Employment Agreement for Interim City Manager Services.**

**LINDA DASH, Atwater, thanked the City Council for "coming together" and asked several questions in regard to the Agreement.**

**MOTION: Mayor Pro Tem Vineyard moved to approve an Employment Agreement, in a form approved by the Interim City Attorney, with Lori Waterman for Interim City Manager Services and to authorize and direct the Mayor to execute the Agreement on behalf of the City. The motion was seconded by Mayor Price and the vote was: Ayes: Vineyard, Vierra, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.**

ADJOURNMENT:

**The Special Meeting adjourned at 3:26 PM.**

  
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DON HYLER III  
CITY CLERK

By: Kim Bengtson-Jennings  
Recording Secretary